

REMARKS/ARGUMENTS

Claims 20-28 are pending in the above-referenced patent application and are currently under examination.

In the Office Action, the Examiner acknowledged that the previously filed terminal disclaimer has been received and accepted.

Objection to the Declaration

In the Office Action, the Examiner has indicated that a Supplemental Oath is required pursuant to 37 C.F.R. § 1.67.

In order to expedite prosecution, Applicants submit concurrently herewith, the Supplemental Oath executed by the named inventors of the above-referenced patent application. In view of the filing of this Supplemental Oath, the Examiner's objection is rendered moot. Accordingly, Applicants urge the Examiner to withdraw this objection.

Rejections Under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) Over Hargis, et al.

Claims 20-26 and 28 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hargis *et al.* (U.S. Patent No. 5,674,951, hereinafter "Hargis *et al.*") and claim 27 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Hargis *et al.* or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Hargis *et al.*

In order to expedite prosecution of the present case, Applicants submit concurrently herewith a Declaration of Aslam A. Malik, , Ph.D. and Thomas G. Archibald, Ph.D. pursuant to 37 C.F.R. § 1.132, which establishes that to the extent the presently claimed invention is disclosed, but not claimed in Hargis *et al.*, it is derived from a named inventor of the above-referenced patent application and, thus, the disclosure of the invention is not "by another." An executed copy of Dr. Malik's declaration is attached, and an executed copy of Dr. Archibald's declaration will be provided once it is available to the undersigned.

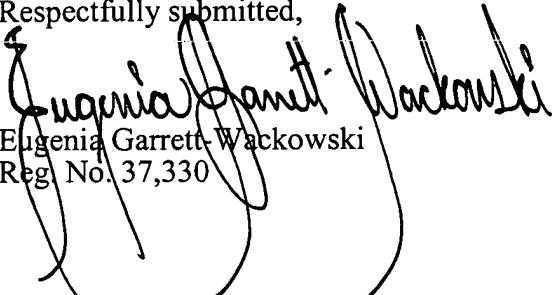
In view of the filing of Drs. Malik and Archibald's Declaration, the Examiner's rejection is rendered moot. Accordingly, Applicants urge the Examiner to withdraw the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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